

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Paris Da'Jon Allen,

Case No. 15-cv-1905 (WMW/SER)

Plaintiff,

v.

**ORDER ADOPTING AS MODIFIED
REPORT AND RECOMMENDATION**

Kathy Reid, Kelly Classen, Dr. Stephen Crann, Dietian, and Nan Larson,

Defendants.

This matter is before the Court on the November 29, 2016 Report and Recommendation of United States Magistrate Judge Steven E. Rau. (Dkt. 162.) No objections to the Report and Recommendation have been filed in the time period permitted.

Before the magistrate judge issued the pending Report and Recommendation, Plaintiff filed two documents styled as "objections" pursuant to "Rule 46 Fed. R. Civ. P." (Dkts. 129, 139.) Federal Rule of Civil Procedure 46 permits a litigant to object to a court ruling or order by "stat[ing] the action that [the litigant] wants the court to take or objects to, along with the grounds for the request or objection." Plaintiff's objections pursuant to Rule 46 do not identify a ruling or order of this Court to which he objects. Instead, Plaintiff's objections largely reiterate the requests for relief sought in Plaintiff's other motions. To the extent that Plaintiff's Rule 46 objections pertain to issues that are addressed in the November 29, 2016 Report and Recommendation, the objections are denied as moot. In all other respects, Plaintiff's Rule 46 objections are denied without

prejudice because they do not clearly identify either the order or ruling to which they object or the grounds for the relief sought or for the objection.

Based on the Report and Recommendation, the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The November 29, 2016 Report and Recommendation, (Dkt. 162), is **ADOPTED AS MODIFIED** as outlined herein.
2. Plaintiff's motion for declaratory judgment, (Dkt. 109), is **DENIED WITHOUT PREJUDICE**.
3. Plaintiff's motions for preliminary injunctive relief, (Dkts. 135, 136), are **DENIED**.
4. Plaintiff's Rule 46 objections, (Dkts. 129, 139), are **DENIED**.

Dated: January 10, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge